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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,610	02/19/2004	Vladek Kasperchik	10004809-1	1622

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EXAMINER

SHEWAREGED, BETELHEM

ART UNIT PAPER NUMBER

1774

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/783,610

Applicant(s)

KASPERCHIK ET AL.

Examiner

Betelhem Shewareged

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1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-48 is/are pending in the application.
- 4a) Of the above claim(s) 15-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-14 and 36-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's response along with the Request for Continued Examination (RCE) filed on 09/21/2006 has been fully considered. Claim 1 is amended, claim 6 is canceled, claims 36-48 are added, and claims 1-5 and 7-48 are pending. (NOTE: Claims 15-35 are withdrawn from consideration as non-elected invention).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 36-48 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no support in the specification for image free metallic layer.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5 and 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otaki et al. (US 6,849,149 B2) in view of Coates (US 4,893,887).
6. Otaki discloses a laminate comprising a transparent protective layer, a hologram, transparent adhesive, recorded information, and a transparent film, in the order thereof (Fig. 10 and col. 26, line 47 thru col. 37, line 63). The transparent protective layer 206 is equivalent to the claimed protective layer, hologram 201 is equivalent to the claimed metallic layer, the transparent adhesive 205b is equivalent to the claimed adhesive layer, the transparent film 203 and the information 202 are equivalent to the claimed printable layer. The hologram further comprises colorant (col. 34, line 4), has a thickness of 0.1-50 μm (col. 32, line 36). The transparent film is can be made of polyethylene terephthalate or polyethylene (col. 34, line 30 and col. 32, line 46). The transparent protective film is made of acrylic (col. 32, line 46), and has a thickness of 10-100 μm (col. 32, line 43). Otaki does not teach a metal hologram. However, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to use a metal layer as the hologram because such use is notoriously known in the hologram transfer art (see col. 1, line 45 thru col. 2, line 51 of Coates).

Response to Arguments

7. Applicant's argument is based on that neither Otaki nor Coates teach a material selected from polyesters, cellulose esters, polyamides, polycarbonates, polyimides, polyolefins, polysulfonamides, and composites or mixtures thereof in the printable layer. This argument is not persuasive because the material for the transparent film, which is

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equivalent to the claimed printable layer, may be selected from materials described as the substrate and protective film (col. 34, line 29 of Otaki), and suitable examples for the protective film include polyethylene terephthalate, polyethylene and polypropylene (col. 32, line 46 Otaki).

8. Applicant further argues that neither Otaki nor Coates teach or suggest a metallic foil, which is a thin sheet of self supporting metal. This argument is not persuasive for the following reason. In view of the current specification, the thickness of the claimed metallic foil is 0.01-5um. Coates teaches the thickness of the metal hologram is 0.02-0.1um (col. 2, line 42), thus the metal hologram of Coates having a thickness of 0.01-0.1um is equivalent to the claimed metal foil. Therefore, the combination of Otaki and Coates teach metal hologram which is equivalent to the claimed metallic foil.

9. For the above reasons, claims 1-5 and 7-14 stand rejected.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Betelhem Shewareged whose telephone number is 571-272-1529. The examiner can normally be reached on Mon.-Fri. 8:00AM-4:30PM.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

B.S.
September 28, 2006.


BETELHEM SHEWAREGED
PRIMARY EXAMINER